



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

HOUSE BILL NO. 250

THURSDAY, MARCH 17, 2016

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 13, 2016
10:52 am

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

1 AN ACT relating to crimes and punishments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 431.015 is amended to read as follows:

4 (1) (a) KRS 431.005 to the contrary notwithstanding, and except as provided in
5 paragraphs (b), (c), and (d) of this subsection, a peace officer shall issue a
6 citation instead of making an arrest for a misdemeanor committed in his or her
7 presence, if there are reasonable grounds to believe that the person being cited
8 will appear to answer the charge. The citation shall provide that the defendant
9 shall appear within a designated time.

10 (b) A peace officer may make an arrest instead of issuing a citation for a
11 misdemeanor committed in his or her presence if the misdemeanor is:

- 12 1. A violation of KRS Chapter 508, 510, or 527, or KRS 189A.010,
13 **511.050, 511.085, 514.110, or Section 2 of this Act;**
- 14 2. An offense in which the defendant poses a risk of danger to himself,
15 herself, or another person; or
- 16 3. An offense in which the defendant refuses to follow the peace officer's
17 reasonable instructions.

18 (c) A peace officer shall make an arrest for violations of protective orders issued
19 pursuant to KRS 403.715 to 403.785 or an order of protection as defined in
20 KRS 456.010.

21 (d) A peace officer may make an arrest or may issue a citation for a violation of
22 KRS 508.030 which occurs in the emergency room of a hospital pursuant to
23 KRS 431.005(1)(f).

24 (2) A peace officer may issue a citation instead of making an arrest for a violation
25 committed in his or her presence but may not make a physical arrest unless there are
26 reasonable grounds to believe that the defendant, if a citation is issued, will not
27 appear at the designated time or unless the offense charged is a violation of KRS

1 189.223, 189.290, 189.393, 189.520, 189.580, 235.240, 281.600, 511.080, or
 2 525.070 committed in his or her presence or a violation of KRS 189A.010, not
 3 committed in his or her presence, for which an arrest without a warrant is permitted
 4 under KRS 431.005(1)(e).

5 (3) If the defendant fails to appear in response to the citation, or if there are reasonable
 6 grounds to believe that he or she will not appear, a complaint may be made before a
 7 judge and a warrant shall issue.

8 (4) When a physical arrest is made and a citation is issued in relation to the same
 9 offense the officer shall mark on the citation, in the place specified for court
 10 appearance date, the word "ARRESTED" in lieu of the date of court appearance.

11 ➔Section 2. KRS 523.110 is amended to read as follows:

12 (1) A person is guilty of giving a peace officer false identifying information~~[a false~~
 13 ~~name or address]~~ when he or she gives a false name,~~[or]~~ address, or date of birth
 14 to a peace officer who has asked for the same in the lawful discharge of his or her
 15 official duties with the intent to mislead the officer as to his or her identity. The
 16 provisions of this section shall not apply unless the peace officer has first warned
 17 the person whose identification he or she is seeking that giving a peace officer false
 18 identifying information~~[a false name or address]~~ is a criminal offense.


19 (2) Giving a peace officer false identifying information~~[a false name or address]~~ is a
 20 Class B misdemeanor.



Speaker House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 13 APRIL 2016